

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 ANGELINA McAMIS,

5 Plaintiff,

6 v.

7 OFFICER LEFEBURE and LVMPD,

8 Defendants.

Case No. 2:15-cv-00985-APG-CWH

**ORDER ACCEPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT WITH
LEAVE TO AMEND**

(Dkt. ##1, 2)

10 On June 3, 2015, Magistrate Judge Hoffman issued a Report and Recommendation in
11 which he recommended that (1) plaintiff Angelina McAmis's request to proceed in forma pauperis
12 be granted, (2) the clerk of court file the complaint on the record, and (3) the complaint be dismissed
13 with leave to file an amended complaint which shows her claim is not barred by the relevant statute
14 of limitations. Judge Hoffman noted that it appears the two-year statute of limitations has run on
15 McAmis's claim because the incident from which her claim arises occurred on December 5, 2012,
16 but she did not file her complaint until May 27, 2015. (Dkt. #2 at 2.) McAmis did not file an
17 objection to Judge Hoffman's recommendations.

18 I conducted a *de novo* review of the issues set forth in the Report & Recommendation. 28
19 U.S.C. § 636(b)(1). Judge Hoffman's Report and Recommendation sets forth the proper legal
20 analysis and factual basis for the decision. I therefore accept his recommendations.

21 IT IS THEREFORE ORDERED that plaintiff Angelina McAmis's request to proceed in
22 forma pauperis (**Dkt. #1**) is **GRANTED**. She shall not be required to pre-pay the full filing fee of
23 four hundred dollars (\$400.00).

24 IT IS FURTHER ORDERED that plaintiff Angelina McAmis is permitted to maintain this
25 action to conclusion without the necessity of prepayment of any additional fees or costs or the
26 giving of security therefor. This order granting leave to proceed in forma pauperis shall not extend
27 to the issuance of subpoenas at government expense.
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1 IT IS FURTHER ORDERED that the **clerk of court shall file the complaint (Dkt. #1-1)**
2 but shall not issue summons.

3 IT IS FURTHER ORDERED that the **complaint is dismissed without prejudice**. McAmis
4 shall have 30 days from the date of entry of this order to file an amended complaint that alleges
5 facts showing her complaint is not barred by the applicable two-year statute of limitations, if she
6 has a basis to do so. Failure to file an amended complaint within that time limit will result in
7 dismissal with prejudice.

8 DATED this 4th day of August, 2015.

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11 ANDREW P. GORDON
12 UNITED STATES DISTRICT JUDGE
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